MR. PICKWICK IS SUED FOR BREACH OF PROMISE

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MR. PICKWICK IS SUED FOR
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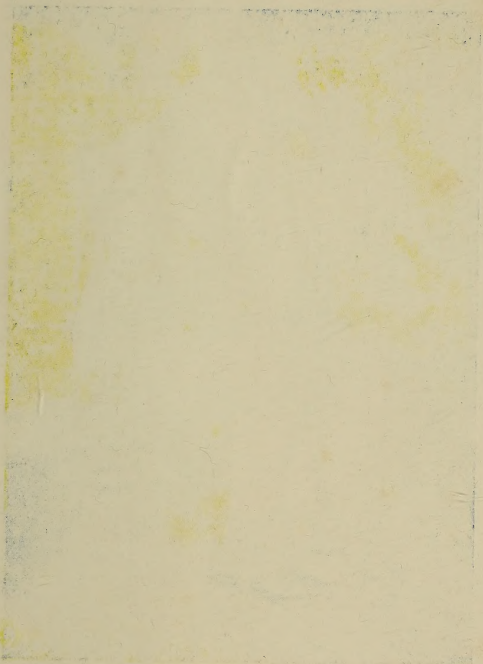
A Happy Xmas
From Janet.



"Pickwick still rears his head with unblushing effrontery, and gazes without a sigh on the ruin he has made."

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MR.

PICKWICK

IS SUED FOR
BREACH
OF
PROMISE.

CHARLES DICKENS.

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MR. PICKWICK
IS SUED FOR BREACH OF PROMISE.

A FULL AND FAITHFUL REPORT OF THE MEMORABLE TRIAL OF BARDELL AGAINST PICKWICK.

"I WONDER what the foreman of the jury, whoever he'll be, has got for breakfast," said Mr. Snodgrass, by way of keeping up a conversation on the eventful morning of the fourteenth of February.

"Ah!" said Perker, "I hope he's got a good one."

"Why so?" inquired Mr. Pickwick.

"Highly important—very important, my dear sir," replied Perker. "A good, contented, well-breakfasted juryman is a capital thing to get hold of. Discontented or hungry jurymen, my dear sir, always find for the plaintiff."

"Bless my heart," said Mr. Pickwick, looking very blank, "what do they do that for?"

"Why, I don't know," replied the little man coolly; "saves time, I suppose. If it's near dinner-time, the foreman takes out his watch when the jury has retired, and says, 'Dear me, gentlemen, ten minutes to five, I declare! I dine at five, gentlemen.' 'So do I,' says everybody else, except two men who ought to

have dined at three and seem more than half disposed to stand out in consequence. The foreman smiles, and puts up his watch—'Well, gentlemen, what do we say, plaintiff or defendant, gentlemen? I rather think, so far as I am concerned, gentlemen—I say, I rather think—but don't let that influence you—I *rather* think the plaintiff's the man.' Upon this, two or three other men are sure to say that they think so too—as of course they do; and then they get on very unanimously and comfortably. Ten minutes past nine!" said the little man, looking at his watch. "Time we were off, my dear sir; breach of promise trial—court is generally full in such cases. You had better ring for a coach, my dear sir, or we shall be rather late."

Mr. Pickwick immediately rang the bell; and a coach having been procured, the four Pickwickians and Mr. Perker ensconced themselves therein, and drove to Guildhall; Sam Weller, Mr. Lowten, and the blue bag, following in a cab.

"Lowten," said Perker, when they reached the outer hall of the court, "put Mr. Pickwick's friends in the students' box; Mr. Pickwick himself had better sit by me. This way, my dear sir, this way." Taking Mr. Pickwick by the coat sleeve, the little man led him to the low seat just beneath the desks of the King's Counsel, which is constructed for the convenience of attorneys, who from that spot can whisper into the ear of the leading counsel in the case, any instructions that may be necessary during the progress of the trial. The occupants of this seat are invisible to the great body of spectators, inasmuch as they sit on a much lower level than either the barristers or the audience, whose seats are raised above the floor. Of course they have their backs to both, and their faces towards the judge.

"That's the witness-box, I suppose?" said Mr. Pickwick, pointing to a kind of pulpit, with a brass rail, on his left hand.

"That's the witness-box, my dear sir," replied Perker, disinterring a quantity of papers from the blue bag, which Lowten had just deposited at his feet.

"And that," said Mr. Pickwick, pointing to a couple of inclosed seats on his right, "that's where the jurymen sit, is it not?"

"The identical place, my dear sir," replied Perker, tapping the lid of his snuff-box.

Mr. Pickwick stood up in a state of great agitation, and took a glance at the court. There were already a pretty large sprinkling of spectators in the gallery, and a numerous muster of gentlemen in wigs, in the barristers' seats, who presented, as a body, all that pleasing and extensive variety of nose and whisker for which the Bar of England is so justly celebrated. Such of the gentlemen as had a brief to carry, carried it in as conspicuous a manner as possible, and occasionally scratched their noses therewith, to impress the fact more strongly on the observation of the spectators. Other gentlemen, who had no briefs to show, carried under their arms goodly octavos, with a red label behind, and that under-done-pie-crust-coloured cover, which is technically known as "law calf." Others, who had neither briefs nor books, thrust their hands into their pockets, and looked as wise as they conveniently could; others, again, moved here and there with great restlessness and earnestness of manner, content to awaken thereby the admiration and astonishment of the uninitiated strangers. The whole, to the great wonderment of Mr. Pickwick, were divided into little groups, who were chatting and discussing the news of the day in the most unfeeling manner possible—just as if no trial at all were coming on.

A bow from Mr. Phunky, as he entered, and took his seat behind the row appropriated to the King's Counsel, attracted Mr. Pickwick's attention; and he had scarcely returned it, when Mr. Sergeant Snubbin

appeared, followed by Mr. Mallard, who half hid the sergeant behind a large crimson bag, which he placed on his table, and, after shaking hands with Perker, withdrew. Then there entered two or three more sergeants; and among them, one with a fat body and a red face, who nodded in a friendly manner to Mr. Sergeant Snubbin, and said it was a fine morning.

"Who's that red-faced man, who said it was a fine morning, and nodded to our counsel?" whispered Mr. Pickwick.

"Mr. Sergeant Buzfuz," replied Perker. "He's opposed to us; he leads on the other side. That gentleman behind him is Mr. Skimpin, his junior."

Mr. Pickwick was on the point of inquiring, with great abhorrence of the man's cold-blooded villainy, how Mr. Sergeant Buzfuz, who was counsel for the opposite party, dared to presume to tell Mr. Sergeant Snubbin, who was counsel for him, that it was a fine morning, when he was interrupted by a general rising of the barristers, and a loud cry of "Silence!" from the officers of the court. Looking round, he found that this was caused by the entrance of the judge.

Mr. Justice Stareleigh (who sat in the absence of the chief-justice, occasioned by indisposition) was a most particularly short man, and so fat, that he seemed all face and waistcoat. He rolled in, upon two little turned legs, and having bobbed gravely to the Bar, who bobbed gravely to him, put his little legs underneath his table, and his little three-cornered hat upon it; and when Mr. Justice Stareleigh had done this, all you could see of him was two queer little eyes, one broad pink face, and somewhere about half of a big and very comical-looking wig.

The judge had no sooner taken his seat, than the officer on the floor of the court called out "Silence!" in a commanding tone, upon which another officer in the gallery cried "Silence!" in an angry manner, whereupon three or four more ushers shouted "Silence!" in a voice of indignant remonstrance.

This being done, a gentleman in black, who sat below the judge, proceeded to call over the names of the jury; and after a great deal of bawling, it was discovered that only ten special jurymen were present. Upon this, Mr. Sergeant Buzfuz prayed a *tales;* the gentlemen in black then proceeded to press into the special jury, two of the common jurymen; and a greengrocer and a chemist were caught directly.

"Answer to your names, gentlemen, that you may be sworn," said the gentleman in black. "Richard Upwitch."

"Here," said the greengrocer.

"Thomas Groffin."

"Here," said the chemist.

"Take the book, gentlemen. You shall well and truly try——"

"I beg this court's pardon," said the chemist, who was a tall, thin, yellow-visaged man, "but I hope this court will excuse my attendance."

"On what grounds, sir?" said Mr. Justice Stareleigh.

"I have no assistant, my Lord," said the chemist.

"I can't help that, sir," replied Mr. Justice Stareleigh. "You should hire one."

"I can't afford it, my Lord," rejoined the chemist.

"Then you ought to be able to afford it, sir," said the judge, reddening; for Mr. Justice Stareleigh's temper bordered on the irritable, and brooked not contradiction.

"I know I *ought* to do, if I got on as well as I deserved; but I don't, my Lord," answered the chemist.

"Swear the gentleman," said the judge, peremptorily.

The officer had got no further than the "You shall well and truly try," when he was again interrupted by the chemist.

"I am to be sworn, my Lord, am I?" said the chemist.

"Certainly, sir," replied the testy little judge

"Very well, my Lord," replied the chemist, in a resigned manner. "Then there'll be murder before this trial's over; that's all. Swear me, if you please, sir;" and sworn the chemist was, before the judge could find words to utter.

"I merely wanted to observe, my Lord," said the chemist, taking his seat with great deliberation, "that I've left nobody but an errand-boy in my shop. He is a very nice boy, my Lord, but he is not acquainted with drugs; and I know that the prevailing impression on his mind is, that Epsom salts means oxalic acid; and syrup of senna, laudanum. That's all, my Lord." With this, the tall chemist composed himself into a comfortable attitude, and, assuming a pleasant expression of countenance, appeared to have prepared himself for the worst.

Mr. Pickwick was regarding the chemist with feelings of the deepest horror, when a slight sensation was perceptible in the body of the court; and immediately afterwards Mrs. Bardell, supported by Mrs. Cluppins, was led in, and placed, in a drooping state, at the other end of the seat on which Mr. Pickwick sat. An extra-sized umbrella was then handed in by Mr. Dodson, and a pair of pattens by Mr. Fogg, each of whom had prepared a most sympathising and melancholy face for the occasion. Mrs. Sanders then appeared, leading in Master Bardell. At sight of her child, Mrs. Bardell started; suddenly recollecting herself, she kissed him in a frantic manner; then relapsing into a state of hysterical imbecility, the good lady requested to be informed where she was. In reply to this, Mrs. Cluppins and Mrs. Sanders turned their heads away and wept, while Messrs. Dodson and Fogg entreated the plaintiff to compose herself. Sergeant Buzfuz rubbed his eyes very hard with a large white handkerchief, and gave an appealing look towards the jury, while the judge was visibly affected, and several of the beholders tried to cough down their emotion.

"Very good notion that indeed," whispered Perker to Mr. Pickwick. "Capital fellows those Dodson and Fogg; excellent ideas of effect, my dear sir, excellent."

As Perker spoke, Mrs. Bardell began to recover by slow degrees, while Mrs. Cluppins, after a careful survey of Master Bardell's buttons and the button-holes to which they severally belonged, placed him on the floor of the court in front of his mother—a commanding position in which he could not fail to awaken the full commiseration and sympathy of both judge and jury. This was not done without considerable opposition, and many tears, on the part of the young gentleman himself, who had certain inward misgivings that the placing him within the full glare of the judge's eye was only a formal prelude to his being immediately ordered away for instant execution, or for transportation beyond the seas, during the whole term of his natural life, at the very least.

"Bardell and Pickwick," cried the gentleman in black, calling on the case, which stood first on the list.

"I am for the plaintiff, my Lord," said Mr. Sergeant Buzfuz.

"Who is with you, Brother Buzfuz?" said the judge. Mr. Skimpin bowed, to intimate that he was.

"I appear for the defendant, my Lord," said Mr. Sergeant Snubbin.

"Anybody with you, Brother Snubbin?" inquired the court.

"Mr. Phunky, my Lord," replied Sergeant Snubbin.

"Sergeant Buzfuz and Mr. Skimpin for the plaintiff," said the judge, writing down the names in his note-book, and reading as he wrote; "for the defendant, Sergeant Snubbin and Mr. Monkey."

"Beg your Lordship's pardon, Phunky."

"Oh, very good," said the judge; "I never had the pleasure of hearing the gentleman's name before." Here Mr. Phunky bowed and smiled, and the judge bowed and smiled too, and then Mr. Phunky, blushing

into the very whites of his eyes, tried to look as if he didn't know that everybody was gazing at him, a thing which no man ever succeeded in doing yet, or in all reasonable probability, ever will.

"Go on," said the judge.

The ushers again called silence, and Mr. Skimpin proceeded to "open the case"; and the case appeared to have very little inside it when he had opened it, for he kept such particulars as he knew, completely to himself, and sat down, after a lapse of three minutes, leaving the jury in precisely the same advanced stage of wisdom as they were in before.

Sergeant Buzfuz then rose with all the majesty and dignity which the grave nature of the proceedings demanded, and having whispered to Dodson, and conferred briefly with Fogg, pulled his gown over his shoulders, settled his wig, and addressed the jury.

Sergeant Buzfuz began by saying, that never, in the whole course of his professional experience—never, from the very first moment of his applying himself to the study and practice of the law—had he approached a case with feelings of such deep emotion, or with such a heavy sense of the responsibility imposed upon him—a responsibility, he would say, which he could never have supported, were he not buoyed up and sustained by a conviction so strong, that it amounted to positive certainty that the cause of truth and justice, or, in other words, the cause of his much-injured and most oppressed client, must prevail with the high-minded and intelligent dozen of men whom he now saw in that box before him.

Counsel usually begin in this way, because it puts the jury on the very best terms with themselves, and makes them think what sharp fellows they must be. A visible effect was produced immediately, several jurymen beginning to take voluminous notes with the utmost eagerness.

"You have heard from my learned friend, gentlemen," continued Sergeant Buzfuz, well knowing that, from the learned friend alluded to, the gentlemen of the jury had heard just nothing at all—"you have heard from my learned friend, gentlemen, that this is an action for a breach of promise of marriage, in which the damages are laid at £1500. But you have not heard from my learned friend, inasmuch as it did not come within my learned friend's province to tell you, what are the facts and circumstances of the case. Those facts and circumstances, gentlemen, you shall hear detailed by me, and proved by the unimpeachable female whom I will place in that box before you."

Here Mr. Sergeant Buzfuz, with a tremendous emphasis on the word "box," smote his table with a mighty sound, and glanced at Dodson and Fogg, who nodded admiration of the sergeant, and indignant defiance of the defendant.

"The plaintiff, gentlemen," continued Sergeant Buzfuz, in a soft and melancholy voice, "the plaintiff is a widow; yes, gentlemen, a widow. The late Mr. Bardell, after enjoying, for many years, the esteem and confidence of his sovereign, as one of the guardians of his royal revenues, glided almost imperceptibly from the world, to seek elsewhere for that repose and peace which a custom-house can never afford."

At this pathetic description of the decease of Mr. Bardell, who had been knocked on the head with a quart-pot in a public-house cellar, the learned sergeant's voice faltered, and he proceeded, with emotion—

"Some time before his death, he had stamped his likeness upon a little boy. With this little boy, the only pledge of her departed exciseman, Mrs. Bardell shrank from the world, and courted the retirement and tranquillity of Goswell Street; and here she placed in her front parlour window a written

placard, bearing this inscription—'Apartments furnished for a single gentleman. Inquire within.'" Here Sergeant Buzfuz paused, while several gentlemen of the jury took a note of the document.

"There is no date to that, is there?" inquired a juror.

"There is no date, gentlemen," replied Sergeant Buzfuz; "but I am instructed to say that it was put in the plaintiff's parlour window just this time three years. I entreat the attention of the jury to the wording of this document—'Apartments furnished for a single gentleman'! Mrs. Bardell's opinions of the opposite sex, gentlemen, were derived from a long contemplation of the inestimable qualities of her lost husband. She had no fear, she had no distrust, she had no suspicion; all was confidence and reliance. 'Mr. Bardell,' said the widow—'Mr. Bardell was a man of honour, Mr. Bardell was a man of his word, Mr. Bardell was no deceiver, Mr. Bardell was once a single gentleman himself; *to* single gentlemen I look for protection, for assistance, for comfort, and for consolation; *in* single gentlemen I shall perpetually see something to remind me of what Mr. Bardell was when he first won my young and untried affections; to a single gentleman, then, shall my lodgings be let.' Actuated by this beautiful and touching impulse (among the best impulses of our imperfect nature, gentlemen), the lonely and desolate widow dried her tears, furnished her first floor, caught her innocent boy to her maternal bosom, and put the bill up in her parlour window. Did it remain there long? No. The serpent was on the watch, the train was laid, the mine was preparing, the sapper and miner was at work. Before the bill had been in the parlour window three days—three days, gentlemen—a being, erect upon two legs, and bearing all the outward semblance of a man, and not of a monster, knocked at the door of Mrs. Bardell's house. He inquired within—he took the lodgings; and on

the very next day he entered into possession of them. This man was Pickwick—Pickwick, the defendant."

Sergeant Buzfuz, who had proceeded with such volubility that his face was perfectly crimson, here paused for breath. The silence awoke Mr. Justice Stareleigh, who immediately wrote down something with a pen without any ink in it, and looked unusually profound, to impress the jury with the belief that he always thought most deeply with his eyes shut. Sergeant Buzfuz proceeded—

"Of this man Pickwick I will say little; the subject presents but few attractions; and I, gentlemen, am not the man, nor are you, gentlemen, the men, to delight in the contemplation of revolting heartlessness, and of systematic villainy."

Here Mr. Pickwick, who had been writhing in silence for some time, gave a violent start, as if some vague idea of assaulting Sergeant Buzfuz, in the august presence of justice and law, suggested itself to his mind. An admonitory gesture from Perker restrained him, and he listened to the learned gentleman's continuation with a look of indignation, which contrasted forcibly with the admiring faces of Mrs. Cluppins and Mrs. Sanders.

"I say systematic villainy, gentlemen," said Sergeant Buzfuz, looking through Mr. Pickwick, and talking *at* him; "and when I say systematic villainy, let me tell the defendant Pickwick, if he be in court, as I am informed he is, that it would have been more decent in him, more becoming, in better judgment, and in better taste, if he had stopped away. Let me tell him, gentlemen, that any gestures of dissent or disapprobation in which he may indulge in this court will not go down with you; that you will know how to value and how to appreciate them; and let me tell him further, as my Lord will tell you, gentlemen, that a counsel, in the discharge of his duty to his client, is neither to be intimidated nor bullied, nor put down; and that any attempt to do either the one

or the other, or the first, or the last, will recoil on the head of the attempter, be he plaintiff or be he defendant, be his name Pickwick, or Noakes, or Stoakes, or Stiles, or Brown, or Thompson."

This little divergence from the subject in hand, had, of course, the intended effect of turning all eyes to Mr. Pickwick. Sergeant Buzfuz, having partially recovered from the state of moral elevation into which he had lashed himself, resumed—

"I shall show you, gentlemen, that for two years, Pickwick continued to reside constantly, and without interruption or intermission, at Mrs. Bardell's house. I shall show you that Mrs. Bardell, during the whole of that time, waited on him, attended to his comforts, cooked his meals, looked out his linen for the washerwoman when it went abroad, darned, aired, and prepared it for wear, when it came home, and, in short, enjoyed his fullest trust and confidence. I shall show you that, on many occasions, he gave halfpence, and on some occasions even sixpences, to her little boy; and I shall prove to you, by a witness whose testimony it will be impossible for my learned friend to weaken or controvert, that on one occasion he patted the boy on the head, and, after inquiring whether he had won any 'alley tors' or 'commoneys' lately (both of which I understand to be a particular species of marbles much prized by the youth of this town), made use of this remarkable expression, 'How should you like to have another father?' I shall prove to you, gentlemen, that about a year ago, Pickwick suddenly began to absent himself from home, during long intervals, as if with the intention of gradually breaking off from my client; but I shall show you also, that his resolution was not at that time sufficiently strong, or that his better feelings conquered, if better feelings he has, or that the charms and accomplishments of my client prevailed against his unmanly intentions, by proving to you, that on one occasion, when he returned from the country, he distinctly and in terms,

offered her marriage: previously, however, taking special care that there would be no witness to their solemn contract; and I am in a situation to prove to you, on the testimony of three of his own friends—most unwilling witnesses, gentlemen—most unwilling witnesses—that on that morning he was discovered by them holding the plaintiff in his arms, and soothing her agitation by his caresses and endearments."

A visible impression was produced upon the auditors by this part of the learned sergeant's address. Drawing forth two very small scraps of paper, he proceeded—

"And now, gentlemen, but one word more. Two letters have passed between these parties, letters which are admitted to be in the handwriting of the defendant, and which speak volumes, indeed. The letters, too, bespeak the character of the man. They are not open, fervent, eloquent epistles, breathing nothing but the language of affectionate attachment. They are covert, sly, underhanded communications, but, fortunately, far more conclusive than if couched in the most glowing language and the most poetic imagery—letters that must be viewed with a cautious and suspicious eye—letters that were evidently intended at the time, by Pickwick, to mislead and delude any third parties into whose hands they might fall. Let me read the first:—'Garraway's, twelve o'clock. Dear Mrs. B.—Chops and tomato sauce. Yours, Pickwick.' Gentlemen, what does this mean? Chops and tomato sauce. Yours, Pickwick! Chops! Gracious heavens! and tomato sauce! Gentlemen, is the happiness of a sensitive and confiding female to be trifled away, by such shallow artifices as these? The next has no date whatever, which is in itself suspicious. 'Dear Mrs. B., I shall not be at home till to-morrow. Slow coach.' And then follows this very remarkable expression: 'Don't trouble yourself about the warming-pan.' The warming-pan! Why,

gentlemen, who *does* trouble himself about a warming-pan? When was the peace of mind of man or woman broken or disturbed by a warming-pan, which is in itself a harmless, a useful, and I will add, gentlemen, a comforting article of domestic furniture? Why is Mrs. Bardell so earnestly entreated not to agitate herself about this warming-pan, unless (as is no doubt the case) it is a mere cover for hidden fire—a mere substitute for some endearing word or promise, agreeably to a preconcerted system of correspondence, artfully contrived by Pickwick with a view to his contemplated desertion, and which I am not in a condition to explain? And what does this allusion to the slow coach mean? For aught I know, it may be a reference to Pickwick himself, who has most unquestionably been a criminally slow coach during the whole of this transaction, but whose speed will now be very unexpectedly accelerated, and whose wheels, gentlemen, as he will find to his cost, will very soon be greased by you!"

Mr. Sergeant Buzfuz paused in this place, to see whether the jury smiled at his joke; but as nobody took it but the greengrocer, whose sensitiveness on the subject was very probably occasioned by his having subjected a chaise-cart to the process in question on that identical morning, the learned sergeant considered it advisable to undergo a slight relapse into the dismals before he concluded.

"But enough of this, gentlemen," said Mr. Sergeant Buzfuz, "it is difficult to smile with an aching heart; it is ill jesting when our deepest sympathies are awakened. My client's hopes and prospects are ruined, and it is no figure of speech to say that her occupation is gone indeed. The bill is down—but there is no tenant. Eligible single gentlemen pass and repass—but there is no invitation for them to inquire within or without. All is gloom and silence in the house; even the voice of the child is hushed; his infant sports are disregarded when his mother

weeps; his 'alley tors' and his 'commoneys' are alike neglected; he forgets the long familiar cry of 'knuckle down,' and at tip-cheese, or odd and even, his hand is out. But Pickwick, gentlemen, Pickwick, the ruthless destroyer of this domestic oasis in the desert of Goswell Street—Pickwick who has choked up the well, and thrown ashes on the sward—Pickwick, who comes before you to-day with his heartless tomato sauce and warming-pans—Pickwick still rears his head with unblushing effrontery, and gazes without a sigh on the ruin he has made. Damages, gentlemen—heavy damages is the only punishment with which you can visit him; the only recompense you can award to my client. And for those damages she now appeals to an enlightened, a high-minded, a right-feeling, a conscientious, a dispassionate, a sympathising, a contemplative jury of her civilised countrymen." With this beautiful peroration, Mr. Sergeant Buzfuz sat down, and Mr. Justice Stareleigh woke up.

"Call Elizabeth Cluppins," said Sergeant Buzfuz, rising a minute afterwards, with renewed vigour.

The nearest usher called for Elizabeth Tuppins; another one, at a little distance off, demanded Elizabeth Jupkins; and a third rushed in a breathless state into King Street, and screamed for Elizabeth Muffins till he was hoarse.

Meanwhile Mrs. Cluppins, with the combined assistance of Mrs. Bardell, Mrs. Sanders, Mr. Dodson, and Mr. Fogg, was hoisted into the witness-box; and when she was safely perched on the top step, Mrs. Bardell stood on the bottom one, with the pocket-handkerchief and pattens in one hand, and a glass bottle that might hold about a quarter of a pint of smelling-salts in the other, ready for any emergency. Mrs. Sanders, whose eyes were intently fixed on the judge's face, planted herself close by, with the large umbrella, keeping her right thumb pressed on the spring with an earnest countenance,

as if she were fully prepared to put it up at a moment's notice.

"Mrs. Cluppins," said Sergeant Buzfuz, "pray compose yourself, ma'am." Of course, directly Mrs. Cluppins was desired to compose herself, she sobbed with increased vehemence, and gave divers alarming manifestations of an approaching fainting fit, or, as she afterwards said, of her feelings being too many for her.

"Do you recollect, Mrs. Cluppins" said Sergeant Buzfuz, after a few unimportant questions—"do you recollect being in Mrs. Bardell's back one pair of stairs, on one particular morning in July last, when she was dusting Pickwick's apartment?"

"Yes, my Lord and jury, I do," replied Mrs. Cluppins.

"Mr. Pickwick's sitting-room was the first-floor front, I believe?"

"Yes, it were, sir," replied Mrs. Cluppins.

"What were you doing in the back room, ma'am?" inquired the little judge.

"My Lord and jury," said Mrs. Cluppins, with interesting agitation, "I will not deceive you."

"You had better not, ma'am," said the little judge.

"I was there," resumed Mrs. Cluppins, "unbeknown to Mrs. Bardell; I had been out with a little basket, gentlemen, to buy three pound of red kidney purtaties, which was three pound tuppence ha'penny, when I see Mrs. Bardell's street door on the jar."

"On the what?" exclaimed the little judge.

"Partly open, my Lord" said Sergeant Snubbin.

"She *said* on the jar," said the little judge, with a cunning look.

"It's all the same, my Lord," said Sergeant Snubbin. The little judge looked doubtful, and said he'd make a note of it. Mrs. Cluppins then resumed—

"I walked in, gentlemen, just to say good-mornin', and went, in a permiscuous manner, upstairs, and into the back room. Gentlemen, there was the sound of voices in the front room, and——"

"And you listened, I believe, Mrs. Cluppins?" said Sergeant Buzfuz.

"Beggin' your pardon, sir," replied Mrs. Cluppins, in a majestic manner, "I would scorn the haction. The voices was very loud, sir, and forced themselves upon my ear."

"Well, Mrs. Cluppins, you were not listening, but you heard the voices. Was one of those voices Pickwick's?"

"Yes, it were, sir."

And Mrs. Cluppins, after distinctly stating that Mr. Pickwick addressed himself to Mrs. Bardell, repeated by slow degrees, and by dint of many questions, the conversation with which our readers are already acquainted.

The jury looked suspicious, and Mr. Sergeant Buzfuz smiled and sat down. They looked positively awful when Sergeant Snubbin intimated that he should not cross-examine the witness, for Mr. Pickwick wished it to be distinctly stated that it was due to her to say, that her account was in substance correct.

Mrs. Cluppins having once broken the ice, thought it a favourable opportunity for entering into a short dissertation on her own domestic affairs; so she straightway proceeded to inform the court that she was the mother of eight children at that present speaking, and that she entertained confident expectations of presenting Mr. Cluppins with a ninth, somewhere about that day six months. At this interesting point, the little judge interposed most irascibly; and the effect of the interposition was, that both the worthy lady and Mrs. Sanders were politely taken out of court, under the escort of Mr. Jackson, without further parley.

"Nathaniel Winkle!" said Mr. Skimpin.

"Here!" replied a feeble voice. Mr. Winkle entered the witness-box, and having been duly sworn, bowed to the judge with considerable deference.

"Don't look at me, sir," said the judge sharply, in acknowledgment of the salute; "look at the jury."

Mr. Winkle obeyed the mandate, and looked at the place where he thought it most probable the jury might be; for seeing anything in his then state of intellectual complication was wholly out of the question.

Mr. Winkle was then examined by Mr. Skimpin, who, being a promising young man of two or three-and-forty, was of course anxious to confuse a witness who was notoriously predisposed in favour of the other side, as much as he could.

"Now, sir," said Mr. Skimpin, "have the goodness to let his Lordship and the jury know what your name is, will you?" and Mr. Skimpin inclined his head on one side to listen with great sharpness to the answer, and glanced at the jury meanwhile, as if to imply that he rather expected Mr. Winkle's natural taste for perjury would induce him to give some name which did not belong to him.

"Winkle," replied the witness.

"What's your Christian name, sir?" angrily inquired the little judge.

"Nathaniel, sir."

"Daniel—any other name?"

"Nathaniel, sir—my Lord, I mean."

"Nathaniel Daniel, or Daniel Nathaniel?"

"No, my Lord, only Nathaniel—not Daniel at all."

"What did you tell me it was Daniel for, then, sir?" inquired the judge.

"I didn't my Lord," replied Mr. Winkle.

"You did, sir," replied the judge, with a severe frown. "How could I have got Daniel on my notes, unless you told me so, sir?"

This argument was, of course, unanswerable.

"Mr. Winkle has rather a short memory, my Lord," interposed Mr. Skimpin, with another glance at the jury. "We shall find means to refresh it before we have quite done with him, I dare say."

"You had better be careful, sir," said the little judge, with a sinister look at the witness.

Poor Mr. Winkle bowed, and endeavoured to feign an easiness of manner, which, in his then state of confusion, gave him rather the air of a disconcerted pickpocket.

"Now, Mr. Winkle," said Mr. Skimpin, "attend to me, if you please, sir; and let me recommend you, for your own sake, to bear in mind his Lordship's injunctions to be careful. I believe you are a particular friend of Mr. Pickwick, the defendant, are you not?"

"I have known Mr. Pickwick now, as well as I recollect at this moment, nearly——"

"Pray, Mr. Winkle, do not evade the question. Are you, or are you not, a particular friend of the defendant's?"

"I was just about to say, that——"

"Will you, or will you not, answer my question, sir?"

"If you don't answer the question, you'll be committed, sir," interposed the little judge, looking over his note-book.

"Come, sir," said Mr. Skimpin, "yes or no, if you please."

"Yes, I am," replied Mr. Winkle.

"Yes, you are. And why couldn't you say that at once, sir? Perhaps you know the plaintiff too? Eh, Mr. Winkle?"

"I don't know her; I've seen her."

"Oh, you don't know her, but you've seen her? Now, have the goodness to tell the gentlemen of the jury what you mean by *that*, Mr. Winkle."

"I mean that I am not intimate with her, but I have seen her when I went to call on Mr. Pickwick, in Goswell Street."

"How often have you seen her, sir?"

"How often?"

"Yes, Mr. Winkle, how often? I'll repeat the question for you a dozen times, if you require it, sir."

And the learned gentleman, with a firm and steady frown, placed his hands on his hips, and smiled suspiciously to the jury.

On this question there arose the edifying browbeating, customary on such points. First of all, Mr. Winkle said it was quite impossible for him to say how many times he had seen Mrs. Bardell. Then he was asked if he had seen her twenty times, to which he replied, "Certainly—more than that." Then he was asked whether he hadn't seen her a hundred times—whether he couldn't swear that he had seen her more than fifty times—whether he didn't know that he had seen her at least seventy-five times, and so forth; the satisfactory conclusion which was arrived at, at last, being, that he had better take care of himself, and mind what he was about. The witness having been by these means reduced to the requisite ebb of nervous perplexity, the examination was continued as follows:—

"Pray, Mr. Winkle, do you remember calling on the defendant Pickwick at these apartments in the plaintiff's house in Goswell Street, on one particular morning, in the month of July last?"

"Yes, I do."

"Were you accompanied on that occasion by a friend of the name of Tupman, and another by the name of Snodgrass?"

"Yes, I was."

"Are they here?"

"Yes, they are," replied Mr. Winkle, looking very earnestly towards the spot where his friends were stationed.

"Pray attend to me, Mr. Winkle, and never mind your friends," said Mr. Skimpin, with another expressive look at the jury. "They must tell their stories without any previous consultation with you, if none has yet taken place (another look at the jury). Now, sir, tell the gentlemen of the jury what you saw on entering the defendant's room, on this particular

morning. Come; out with it, sir; we must have it, sooner or later."

"The defendant, Mr. Pickwick, was holding the plaintiff in his arms, with his hands clasping her waist," replied Mr. Winkle with natural hesitation, "and the plaintiff appeared to have fainted away."

"Did you hear the defendant say anything?"

"I heard him call Mrs. Bardell a good creature, and I heard him ask her to compose herself, for what a situation it was, if anybody should come, or words to that effect."

"Now, Mr. Winkle, I have only one more question to ask you, and I beg you to bear in mind his Lordship's caution. Will you undertake to swear that Pickwick, the defendant, did not say on the occasion in question—'My dear Mrs. Bardell, you're a good creature; compose yourself to this situation, for to this situation you must come,' or words to *that* effect?"

"I—I didn't understand him so, certainly," said Mr. Winkle, astounded at this ingenious dove-tailing of the few words he had heard. "I was on the staircase, and couldn't hear distinctly; the impression on my mind is——"

"The gentlemen of the jury want none of the impressions on your mind, Mr. Winkle, which I fear would be of little service to honest, straightforward men," interposed Mr. Skimpin. "You were on the staircase, and didn't distinctly hear; but you will not swear that Pickwick did not make use of the expressions I have quoted? Do I understand that?"

"No, I will not," replied Mr. Winkle; and down sat Mr. Skimpin with a triumphant countenance.

Mr. Pickwick's case had not gone off in so particularly happy a manner, up to this point, that it could very well afford to have any additional suspicion cast upon it. But as it could afford to be placed in a rather better light, if possible, Mr. Phunky rose for

the purpose of getting something important out of Mr. Winkle in cross-examination. Whether he did get anything important out of him, will immediately appear.

"I believe, Mr. Winkle," said Mr. Phunky, "that Mr. Pickwick is not a young man?"

"Oh, no," replied Mr. Winkle; "old enough to be my father."

"You have told my learned friend that you have known Mr. Pickwick a long time. Had you ever any reason to suppose or believe that he was about to be married?"

"Oh, no; certainly not;" replied Mr. Winkle with so much eagerness, that Mr. Phunky ought to have got him out of the box with all possible despatch. Lawyers hold that there are two kinds of particularly bad witnesses—a reluctant witness, and a too-willing witness; it was Mr. Winkle's fate to figure in both characters.

"I will even go further than this, Mr. Winkle," continued Mr. Phunky, in a most smooth and complacent manner. "Did you ever see anything in Mr. Pickwick's manner and conduct towards the opposite sex, to induce you to believe that he ever contemplated matrimony of late years, in any case?"

"Oh, no; certainly not," replied Mr. Winkle.

"Has his behaviour, when females have been in the case, always been that of a man, who, having attained a pretty advanced period of life, content with his own occupations and amusements, treats them only as a father might his daughters?"

"Not the least doubt of it," replied Mr. Winkle, in the fulness of his heart. "That is—yes—oh, yes—certainly."

"You have never known anything in his behaviour towards Mrs. Bardell, or any other female, in the least degree suspicious?" said Mr. Phunky, preparing to sit down; for Sergeant Snubbin was winking at him.

"N--n—no," replied Mr. Winkle, "except on one trifling occasion, which, I have no doubt, might be easily explained."

Now, if the unfortunate Mr. Phunky had sat down when Sergeant Snubbin had winked at him, or if Sergeant Buzfuz had stopped this irregular cross-examination at the outset (which he knew better than to do; observing Mr. Winkle's anxiety, and well knowing it would, in all probability, lead to something serviceable to him), this unfortunate admission would not have been elicited. The moment the words fell from Mr. Winkle's lips, Mr. Phunky sat down, and Sergeant Snubbin rather hastily told him he might leave the box, which Mr. Winkle prepared to do with great readiness, when Sergeant Buzfuz stopped him.

"Stay, Mr. Winkle, stay!" said Sergeant Buzfuz, will your Lordship have the goodness to ask him, what this one instance of suspicious behaviour towards females on the part of this gentleman, who is old enough to be his father, was?"

"You hear what the learned counsel says, sir," observed the judge, turning to the miserable and agonised Mr. Winkle. "Describe the occasion to which you refer."

"My Lord," said Mr. Winkle, trembling with anxiety, "I—I'd rather not."

"Perhaps so," said the little judge; "but you must."

Amid the profound silence of the whole court, Mr. Winkle faltered out, that the trifling circumstance of suspicion was Mr. Pickwick's being found in a lady's sleeping-apartment at midnight; which had terminated, he believed, in the breaking off of the projected marriage of the lady in question, and had led, he knew, to the whole party being forcibly carried before George Nupkins, Esq., magistrate and justice of the peace, for the borough of Ipswich!

"You may leave the box, sir," said Sergeant Snubbin. Mr. Winkle *did* leave the box, and rushed with delirious haste to the George and Vulture, where he

was discovered some hours after, by the waiter, groaning in a hollow and dismal manner, with his head buried beneath the sofa cushions.

Tracy Tupman, and Augustus Snodgrass, were severally called into the box; both corroborated the testimony of their unhappy friend; and each was driven to the verge of desperation by excessive badgering.

Susannah Sanders was then called, and examined by Sergeant Buzfuz, and cross-examined by Sergeant Snubbin. Had always said and believed that Pickwick would marry Mrs. Bardell; knew that Mrs. Bardell's being engaged to Pickwick was the current topic of conversation in the neighbourhood, after the fainting in July; had been told it herself by Mrs. Mudberry which kept a mangle, and Mrs. Bunkin which clear-starched, but did not see either Mrs. Mudberry or Mrs. Bunkin in court. Had heard Pickwick ask the little boy how he should like to have another father. Did not know that Mrs. Bardell was at that time keeping company with the baker, but did know that the baker was then a single man and is now married. Couldn't swear that Mrs. Bardell was not very fond of the baker, but should think that the baker was not very fond of Mrs. Bardell, or he wouldn't have married somebody else. Thought Mrs. Bardell fainted away on the morning in July, because Pickwick asked her to name the day: knew that she (witness) fainted away stone dead when Mr. Sanders asked *her* to name the day, and believed that everybody as called herself a lady would do the same, under similar circumstances. Heard Pickwick ask the boy the question about the marbles, but upon her oath did not know the difference between an "alley tor" and a "commoney."

By the Court.—During the period of her keeping company with Mr. Sanders, had received love letters, like other ladies. In the course of their correspondence Mr. Sanders had often called her a "duck," but

never "chops," nor yet "tomato sauce." He was particularly fond of ducks. Perhaps if he had been as fond of chops and tomato sauce, he might have called her that, as a term of affection.

Sergeant Buzfuz now rose with more importance than he had yet exhibited, if that were possible, and vociferated: "Call Samuel Weller."

It was quite unnecessary to call Samuel Weller; for Samuel Weller stepped briskly into the box the instant his name was pronounced; and placing his hat on the floor, and his arms on the rail, took a bird's-eye view of the Bar, and a comprehensive survey of the Bench, with a remarkably cheerful and lively aspect.

"What's your name, sir?" inquired the judge.

"Sam Weller, my Lord," replied that gentleman.

"Do you spell it with a 'V' or a 'W'?" inquired the judge.

"That depends upon the taste and fancy of the speller, my Lord," replied Sam; "I never had occasion to spell it more than once or twice in my life, but I spells it with a 'V.'"

Here a voice in the gallery exclaimed aloud, "Quite right too, Samivel, quite right. Put it down a 'we,' my Lord, put it down a 'we.'"

"Who is that, who dares address the court?" said the little judge, looking up. "Usher."

"Yes, my Lord."

"Bring that person here instantly."

"Yes, my Lord."

But as the usher didn't find the person, he didn't bring him; and, after a great commotion, all the people who had got up to look for the culprit, sat down again. The little judge turned to the witness as soon as his indignation would allow him to speak, and said—

"Do you know who that was, sir?"

"I rayther suspect it was my father, my Lord," replied Sam.

"Do you see him here now?" said the judge.

"No, I don't, my Lord," replied Sam, staring right up into the lantern at the roof of the court.

"If you could have pointed him out, I would have committed him instantly," said the judge.

Sam bowed his acknowledgments and turned, with unimpaired cheerfulness of countenance, towards Sergeant Buzfuz.

"Now, Mr. Weller," said Sergeant Buzfuz.

"Now, sir," replied Sam.

"I believe you are in the service of Mr. Pickwick, the defendant in this case? Speak up, if you please, Mr. Weller."

"I mean to speak up, sir," replied Sam; "I am in the service o' that 'ere gen'l'man, and a wery good service it is."

"Little to do, and plenty to get, I suppose?" said Sergeant Buzfuz, with jocularity.

"Oh, quite enough to get, sir, as the soldier said ven they ordered him three hundred and fifty lashes," replied Sam.

"You must not tell us what the soldier, or any other man, said, sir," interposed the judge; "it's not evidence."

"Wery good, my Lord," replied Sam.

"Do you recollect anything particular happening on the morning when you were first engaged by the defendant; eh, Mr. Weller?" said Sergeant Buzfuz.

"Yes, I do, sir," replied Sam.

"Have the goodness to tell the jury what it was."

"I had a reg'lar new fit out o' clothes that mornin', gen'l'men of the jury," said Sam, "and that was a wery partickler and uncommon circumstance vith me in those days."

Hereupon there was a general laugh; and the little judge, looking with an angry countenance over his desk, said, "You had better be careful, sir."

"So Mr. Pickwick said at the time, my Lord," replied Sam; "and I was wery careful o' that 'ere suit o' clothes; wery careful indeed, my Lord."

The judge looked sternly at Sam for full two minutes, but Sam's features were so perfectly calm and serene that the judge said nothing, and motioned Sergeant Buzfuz to proceed.

"Do you mean to tell me, Mr. Weller," said Sergeant Buzfuz, folding his arms emphatically, and turning half-round to the jury, as if in mute assurance that he would bother the witness yet—"do you mean to tell me, Mr. Weller, that you saw nothing of this fainting on the part of the plaintiff in the arms of the defendant, which you have heard described by the witnesses?"

"Certainly not," replied Sam; "I was in the passage till they called me up, and then the old lady was not there."

"Now, attend, Mr. Weller," said Sergeant Buzfuz, dipping a large pen into the inkstand before him, for the purpose of frightening Sam with a show of taking down his answer. "You were in the passage, and yet saw nothing of what was going forward. Have you a pair of eyes, Mr. Weller?"

"Yes, I have a pair of eyes," replied Sam, "and that's just it. If they wos a pair o' patent double million magnifyin' glass microscopes of hextra power, p'raps I might be able to see through a flight o' stairs and a deal door; but bein' only eyes, you see, my wision's limited."

At this answer, which was delivered without the slightest appearance of irritation, and with the most complete simplicity and equanimity of manner, the spectators tittered, the little judge smiled, and Sergeant Buzfuz looked particularly foolish. After a short consultation with Dodson & Fogg, the learned sergeant again turned towards Sam, and said, with a painful effort to conceal his vexation, "Now, Mr. Weller, I'll ask you a question on another point, if you please."

"If you please, sir," rejoined Sam, with the utmost good-humour.

"Do you remember going up to Mrs. Bardell's house, one night in November last?"

"Oh, yes, wery well."

"Oh, you *do* remember that, Mr. Weller," said Sergeant Buzfuz, recovering his spirits; "I thought we should get at something at last."

"I rayther thought that, too, sir," replied Sam; and at this the spectators tittered again.

"Well; I suppose you went up to have a little talk about this trial—eh, Mr. Weller?" said Sergeant Buzfuz, looking knowingly at the jury.

"I went up to pay the rent; but we *did* get a-talkin' about the trial," replied Sam.

"Oh, you did get a-talking about the trial," said Sergeant Buzfuz, brightening up with the anticipation of some important discovery. "Now, what passed about the trial; will you have the goodness to tell us, Mr. Weller?"

"Vith all the pleasure in life, sir," replied Sam. "Arter a few unimportant observations from the two wirtuous females as has been examined here to-day, the ladies gets into a very great state o' admiration at the honourable conduct of Mr. Dodson and Fogg—them two gen'l'men as is settin' near you now." This, of course, drew general attention to Dodson & Fogg, who looked as virtuous as possible.

"The attorneys for the plaintiff," said Mr. Sergeant Buzfuz. "Well! They spoke in high praise of the honourable conduct of Messrs. Dodson and Fogg, the attorneys for the plaintiff, did they?"

"Yes," said Sam, "they said what a wery gen'rous thing it was o' them to have taken up the case on spec, and to charge nothing at all for costs, unless they got 'em out of Mr. Pickwick."

At this very unexpected reply, the spectators tittered again, and Dodson & Fogg, turning very red, leaned over to Sergeant Buzfuz, and in a hurried manner whispered something in his ear.

"You are quite right," said Sergeant Buzfuz aloud, with affected composure. "It's perfectly useless, my Lord, attempting to get at any evidence through the impenetrable stupidity of this witness. I will not trouble the court by asking him any more questions. Stand down, sir."

"Would any other gen'l'man like to ask me anythin'?" inquired Sam, taking up his hat and looking round most deliberately.

"Not I, Mr. Weller, thank you," said Sergeant Snubbin, laughing.

"You may go down, sir," said Sergeant Buzfuz, waving his hand impatiently. Sam went down accordingly, after doing Messrs. Dodson & Fogg's case as much harm as he conveniently could, and saying just as little respecting Mr. Pickwick as might be, which was precisely the object he had had in view all along.

"I have no objection to admit, my Lord," said Sergeant Snubbin, "if it will save the examination of another witness, that Mr. Pickwick has retired from business, and is a gentleman of considerable independent property."

"Very well," said Sergeant Buzfuz, putting in the two letters to be read, "then that's my case, my Lord."

Sergeant Snubbin then addressed the jury on behalf of the defendant; and a very long and a very emphatic address he delivered, in which he bestowed the highest possible eulogiums on the conduct and character of Mr. Pickwick; but inasmuch as our readers are far better able to form a correct estimate of that gentleman's merits and deserts, than Sergeant Snubbin could possibly be, we do not feel called upon to enter at any length into the learned gentleman's observations. He attempted to show that the letters which had been exhibited, merely related to Mr. Pickwick's dinner, or to the preparations for receiving him in his apartments on his return from some country excursion. It is sufficient to add in general

terms, that he did the best he could for Mr. Pickwick; and the best as everybody knows, on the infallible authority of the old adage, could do no more.

Mr. Justice Stareleigh summed up, in the old-established and most approved form. He read as much of his notes to the jury as he could decipher on so short a notice, and made running-comments on the evidence as he went along. If Mrs. Bardell were right, it was perfectly clear that Mr. Pickwick was wrong, and if they thought the evidence of Mrs. Cluppins worthy of credence they would believe it, and, if they didn't, why, they wouldn't. If they were satisfied that a breach of promise of marriage had been committed they would find for the plaintiff with such damages as they thought proper; and if, on the other hand, it appeared to them that no promise of marriage had ever been given, they would find for the defendant with no damages at all. The jury then retired to their private room to talk the matter over, and the judge retired to *his* private room to refresh himself with a mutton chop and a glass of sherry.

An anxious quarter of an hour elapsed; the jury came back; the judge was fetched in. Mr. Pickwick put on his spectacles, and gazed at the foreman with an agitated countenance and a quickly-beating heart.

"Gentlemen," said the individual in black, "are you all agreed upon your verdict?"

"We are," replied the foreman.

"Do you find for the plaintiff, gentlemen, or for the defendant?"

"For the plaintiff."

"With what damages, gentlemen?"

"Seven hundred and fifty pounds."

Mr. Pickwick took off his spectacles, carefully wiped the glasses, folded them into their case, and put them in his pocket; then, having drawn on his gloves with great nicety, and stared at the foreman all the while, he mechanically followed Mr. Perker and the blue bag out of court.

They stopped in a side room while Perker paid the court fees; and here, Mr. Pickwick was joined by his friends. Here, too, he encountered Messrs. Dodson and Fogg, rubbing their hands with every token of outward satisfaction.

"Well, gentlemen," said Mr. Pickwick.

"Well, sir," said Dodson, for self and partner.

"You imagine you'll get your costs, don't you, gentlemen," said Mr. Pickwick.

Fogg said they thought it rather probable. Dodson smiled, and said they'd try.

"You may try, and try, and try again, Messrs. Dodson & Fogg," said Mr. Pickwick vehemently, "but not one farthing of costs or damages do you ever get from me, if I spend the rest of my existence in a debtor's prison."

"Ha, ha!" laughed Dodson. "You'll think better of that, before next term, Mr. Pickwick."

"He, he, he! We'll soon see about that, Mr. Pickwick," grinned Fogg.

Speechless with indignation, Mr. Pickwick allowed himself to be led by his solicitor and friends to the door, and there assisted into a hackney-coach, which had been fetched for the purpose, by the ever-watchful Sam Weller.

Sam had put up the steps, and was preparing to jump upon the box, when he felt himself gently touched on the shoulder; and, looking round, his father stood before him. The old gentleman's countenance wore a mournful expression as he shook his head gravely, and said, in warning accents—

"I know'd what 'ud come o' this here mode o' doin' bisness. Oh, Sammy, Sammy, vy worn't there a alleybi!"

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